

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 12, 2003**

DIVISION ONE

B156766 People (Not for Publication)  
v.  
Calvin Secrest

The judgment is modified to stay the Penal Code section 12022, subdivision (b) knife enhancements as to counts 5 and 7. In all other respects, the judgment is affirmed. The matter is remanded for the trial court to adjust the sentence accordingly and issue a new abstract of judgment to be sent to the Department of Corrections.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B157199 People (Not for Publication)  
v.  
Richard Ohlmaier

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION ONE (Continued)

B154682      Carol Meteer Herr      (Not for Publication)  
                 v.  
                 Stephen Herr

The judgment (further judgment on reserved issues) filed on June 20, 2001,  
is affirmed. Wife is entitled to her costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
                 Mallano, J.

DIVISION TWO

B157056      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Holly A., et al.

With the exception of the visitation order as to Holly, the orders of the  
juvenile court are affirmed.

Doi Todd, J.

We concur: Boren, P.J.  
                 Nott, J.

B159073      People      (Not for Publication)  
                 v.  
                 Diamond

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

March 12, 2003 (Continued)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B157856 People v. Lodge  
B154981 Abdabkhan, et al. v. Maymoon, Inc., et al.  
B157316 People v. Fontanez  
B155132 People v. Whitaker  
B160824 Herklotz, et al., v. Parkinson, et al.  
B160320 People v. Sammy J.  
B157885 People v. Hernandez, et al.  
B159616 People v. Yoon  
B157001 People v. Gonzalez  
B158725 People v. Jefferson  
B161500 Children and Family Services v. Keisha S.  
B155450 People v. Silva, et al.  
B158836 People v. Torres

Argument waived, cause submitted.

B156071     Aguirre, et al.  
                 v.  
                 E.I. Dupont De Nemours & Co., et al.

Merits:

Argued by Carrie J. Rognlien for appellants and by Vernon T. Meador, III for respondents. Cause submitted.

B161182     People  
                 v.  
                 Castillo

Merits:

Argued by Rene Sanz for appellant and by Erin M. Pitman, deputy attorney general for respondent. Cause submitted.

March 12, 2003 (Continued)

DIVISION THREE (Continued)

B160204 People v. Chapman  
B164551 In Re Albert F. Chapman on H.C.

Merits:

Argued by Carol S. Boyk for appellant and by Louis W. Karlin, deputy attorney general for respondent. Cause submitted.

B158128 Rosenberg  
v.  
Truck Insurance Exchange, et al.

Merits:

Argued by Roger A.S. Manlin for appellant and by Mark G. Bonino for respondents. Cause submitted.

B158745 Thacker  
v.  
Wasoff, et al.

Merits:

Argued by Jack Edzant for appellant and by Henry Yekikian for respondents. Cause submitted.

Court adjourned at 10:54 a.m.

DIVISION FOUR

B163705 Diana S. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(D.C.F.S., r.p.i.)

The petition for writ of mandate is denied.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

## DIVISION FOUR (Continued)

B154785 People (Not for Publication)  
v.  
Tate

The judgment is affirmed. The court is directed to prepare a minute order nunc pro tunc to correct the omission of the \$200 restitution and \$200 parole revocation fines imposed and also to prepare an amended abstract of judgment in this regard.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION FIVE

B155218      Ascension Cervantes, et al.      (Not for Publication)  
v.  
City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

B152920      Darlene Davis      (Not for Publication)  
v.  
Peter Penna, et al.

The judgment in favor of Fox is reversed. The trial court is to vacate its order granting Fox's motion for summary judgment and enter a new order denying Fox's motion for summary judgment. The judgment in favor of Penna is affirmed. Fox is to pay Davis's costs in connection with the Fox appeal; Davis is to pay Penna's costs in connection with the Penna appeal.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

March 12, 2003 (Continued)

DIVISION FIVE (Continued)

B157004     Barbara Rockwell                    (Not for Publication)

v.

County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

I concur:     Turner, P.J.

I concur:     Mosk, J. (opinion)

B158327     People    (Not for Publication)

v.

Richard Solis

The judgment is reversed.

Grignon, Acting P.J.

We concur:     Armstrong, J.

Mosk, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B158004     Reynolds v. Freeman

Argument waived, cause submitted.

B159194     Geyseer v. Excel Legacy Corp.

Ordered off calendar.

DIVISION SIX (Continued)

B154219     Operating Engineers Funds, Inc.  
              v.  
              City of Thousand Oaks

Merits:

Argued by Daniel P. Selmi for appellant and by Paul Richard Hamilton for respondent. Submission is deferred two weeks for possible mediation.

B158821     Hope Ranch Park Homes Assoc.  
              v.  
              Mariposa Land Development Co.

Merits:

Argued by Lottie Cohen for appellants and by Alan A. Blakeboro for respondent.

Appellant's request to use an illustrative map submitted in the request for judicial notice filed on March 5, 2003, is denied.

Cause submitted.

Court recessed at 10:25 A.M.

Court reconvened at 10:35 A.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B158500     Morell  
              v.  
              The Salvation Army

Merits:

Argued by Ralph F. Popelar for appellants and by Mary K. Lenahan for respondent. Cause submitted.

DIVISION SIX (Continued)

B156878      1200 Stellar Associates  
                 v.  
                 Channel Islands Equity, Ltd.

Merits:

Argued by Jeffrey D. Jennings for appellant, by Marc E. Rohatiner for respondent Channel Islands Equity, Ltd. and by Neil Gunny for respondent Channel Islands Business Center Owners Assoc. Counsel stipulate that a copy of the missing video tape, Exhibit 244, admitted into evidence may be submitted to the Court of Appeal forthwith.

Cause submitted.

Court recessed at 11:30 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B160370      Shaw v. Wells

Argument waived, cause submitted.

B160639      Human Services Agency  
                 v.  
                 Alyce S. and Mark S.

Merits:

Argued by Joseph J. Randazzo, Assistant County Counsel, for respondent. Argument previously waived by appellants. Cause submitted.

B160701      Hensely  
                 v.  
                 Ritner

Merits:

Argued by Wanda Hensley, appellant, appearing in propria persona; by Ruth D. Morrow for respondent Ritner; and by William D. Pangburn for respondent Coleman. Cause submitted.



March 12, 2003 (Continued)

DIVISION SIX (Continued)

B160166     Marian  
B161723     v.  
              State of California

Appearances:  
Jonathan Galatzan, Deputy Attorney General, for respondent. Appellant  
did not appear. Argument waived, cause submitted.

Gilbert, P.J. left the bench.

B160623     Seymour  
              v.  
              La Braque

Merits:  
Argued by R. Stephen Kinnaird for appellants and by Gabriele Mezger-  
Lashly for respondent. Cause submitted.

Court adjourned at 2:00 P.M.

DIVISION SEVEN

B162297     People                                 (Not for Publication)  
              v.  
              Flores, Jr.

The judgment is affirmed.

Munoz, J. (Assigned)

We concur:    Perluss, P.J.  
                  Johnson, J.

March 12, 2003 (Continued)

## DIVISION SEVEN (Continued)

B157185 People (Not for Publication)  
v.  
Perchez

The order of January 18, 2002, is reversed. Upon remand the trial court is instructed to enter a new order discharging Perchez from probation.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

## DIVISION EIGHT

B157977      Aharon Abargil      (Certified for Publication)  
v.  
Michal Abargil

The matter is remanded for further proceedings as described in this opinion's section entitled “Remand is Appropriate.” Each side to bear its own costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B158568 People (Not for Publication)  
v.  
Polk

The judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

DIVISION EIGHT (Continued)

B157914      Malynda A. De Grezia, et al.      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Blue Cross Of California, r.p.i.)

Let a writ of mandate issue directing respondent court to vacate its order compelling arbitration. Respondent court shall instead issue a new order initially referring to arbitration only the question of Blue Cross's purported rescission of the insurance policy. Respondent court's order shall further direct the arbitrator to proceed with the arbitration on the merits if the arbitrator finds no rescission, but to decline to proceed with arbitration, and to return the matter to respondent court, if the arbitrator finds rescission. Petitioners are entitled to recover costs in this proceeding.

Rubin, J.

We concur:    Cooper, P.J.  
                    Boland, J.

B158655      Los Angeles County, D.C.S.      (Not for Publication)

v.

Deliah P.,

In re Savannah P. et al., Persons Coming Under the Juvenile Court Law.

The juvenile court's order summarily denying the section 388 petition is denied.

Cooper, P.J.

We concur:    Rubin, J.  
                    Boland, J.

B153740      People      (Not for Publication)

v.

Contreras, et al.

The sentence is modified to stay appellant Contreras' punishment four counts 8 and 10 pursuant to section 654. The trial court shall advise the Department of Corrections of the modification. In all other respects, the judgments are affirmed.

Cooper, P.J.

We concur:    Rubin, J.  
                    Boland, J.